



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER 09/120,806 FILING DATE 07/23/98 FIRST NAMED APPLICANT KIKUSHIMA ART UNIT M ATTY. DOCKET NO. 101151

OLIFF AND BERRIDGE
P O BOX 19928
ALEXANDRIA VA 22320

MM91/0510

EXAMINER

BUDD, M

ART UNIT PAPER NUMBER

2834

DATE MAILED: 05/10/00

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 4-14-00

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-6, 8, 10-13, 15-22 and 30-37 is/are pending in the application.
Of the above, claim(s) 30-37 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-6, 8, 10-13, 15-22 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit: 2834

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6, 8, 10-13 and 15-22 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner has been unable to find any written description in applicants original disclosure that describes or discusses the relative substrate thicknesses. Certainly no critical emphasis was made of such a construction in the original disclosure.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, 10-13 and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Negita (British) in view of Nagai. Negita, fig. 3, teaches the piezoelectric resonator in a laminated ceramic housing but does not provide a window (opening) in the housing. However, Nagai (figs. 17-22, 28, 32-34, 36 and 37) teaches providing an opening to allow adjustment of the resonator frequency. Thus, for at least this reason, it would have been obvious to one of


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ordinary skill in the art to provide Negitis laminated ceramic housing with an opening. Metal coatings would be necessary to assure hermetic sealing of the housing. Note that the method steps used to manufacture the article are not german to the patentability of the article. It has long been held that optimizing a known device, e.g. thru routine experimentation, is within the skill expected of the routineer. Thus, selection of substrate thicknesses would have been obvious to one of ordinary skill in the art. Note that applicants disclosure does not attribute any criticality to the relative substrate thickness.

Budd/dc
May 8, 2000.


MARK J. BUDD
PRIMARY EXAMINER
ART UNIT 212